

# PAGE COUNTY BOARD OF SUPERVISORS

## REGULAR MEETING – MINUTES

OCTOBER 9, 2001

### GENERAL DISTRICT COURTROOM

2:30 p.m.

<b>MEMBERS PRESENT:</b>	Allen Cubbage	Chairman, District 3
	Nora Belle Comer	Vice Chairman, District 1
	Elaine Mayberry	Supervisor, District 2
	Gerald Cubbage	Supervisor, District 4
	Robert Good	Supervisor , District 5
 <b>ALSO PRESENT:</b>	C. Dean BeLer	County Administrator
	Rodger Smith	County Attorney
	Geraldine Cubbage	Accountant
	Sheriff Daniel Presgraves	
	Ben Endicott	Programmer Analyst
	Bill Whittle	VEC Unit Director
	Reed Beahm	Special Project Coordinator
	Jim Watkins	citizen for redistricting
	William Aleshire	Zoning Administrator
	Donna Hoke	Clerk

### CALL TO ORDER:

At 2:30 p.m. Chairman Allen Cubbage called the meeting of October 9, 2001 to order, and the invocation was given by Supervisor Comer, followed by Supervisor Mayberry reciting the Pledge of Allegiance.

Enter into closed session: 2:35 p.m.

MOTION:

Supervisor Comer moved the Page County Board of Supervisors enter into a closed meeting pursuant to the provisions of Section 2.1-344.1 of The Code of Virginia, 1950, as amended, for the purpose of discussing legal matters and pending litigation.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Nora Belle Comer, Elaine Mayberry, Allen Cubbage, and Gerald Cubbage.

NAYS: None

**Exit closed session:**3:00 p.m.

**MOTION:**

Supervisor Comer moved the closed meeting be adjourned and the Page County Board of Supervisors convene again in open session.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Nora Belle Comer, Elaine Mayberry, Allen Cubbage, and Gerald Cubbage.

NAYS: None

**Certification:**

"To the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.1-344 of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting of October 9, 2001."

MOTION: Comer SECOND: Good

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Nora Belle Comer	X			
Elaine Mayberry	X			

Gerald M. Cabbage	X
Allen J. Cabbage	X
Robert Good.	X

### **Action from closed session:**

No action taken.

### **Adoption of agenda:**

Supervisor Good moved to adopt the agenda for the Board of Supervisors meeting for October 9, 2001.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

AYES: Nora Belle Comer, Elaine Mayberry, Allen Cabbage,

Robert Good, and Gerald Cabbage.

NAYS: None

### **County Administrator's Reports:**

Mr. BeLer informed the Board that the representative from the company that holds the landfill pollution control insurance have been visiting Page County today. Mr. Sedwick and Mr. Young have been giving them a tour of the Stanley and Battlecreek landfills.

Action was taken to get an updated report from Mr. Loveday regarding issues at the Stanley Landfill, however, Mr. Loveday was reported to be on vacation. Mr. BeLer informed the Board that he would arrange for Mr. Loveday to report back to the Board at the next available meeting.

Mr. BeLer noted that Vaco has sent the Administration office information concerning their legislative program for the next year. This information will be forwarded to the Board through their mailing.

Mr. BeLer noted there has been a number of requests for proposals that have been kept inactive for awhile, but that they will be rescheduled in the next five to seven days.

Mr. BeLer gave a brief update as to where the County stands regarding the waste contract for the Town of Stanley.

Mr. BeLer concluded his reports noting a few items such as Mrs. Phillips is still being lodged at the hotel, there is still an outstanding bill payment due Tellurian in which Mr. Cornwell will need to advise on, and rental property owned by the County still needs to be vacated.

### **Report of Website:**

Mr. Endicott briefed the Board on the current status of the website. It was noted that Mr. Endicott was the main overseer in helping individual departments to stay current on the website. Ms. Tessa Raznick was the web master who held the responsibility to make sure items were incorporated onto the website in a correct and timely manner. Mr. Endicott concluded in giving a brief description of what information was maintained on the website.

### **County Credit Card:**

Mr. BeLer addressed the Board to recommend the approval of credit cards to certain county employees. Mr. Beler explained that there are numerous times that employees need the use of a credit card for ordering supplies, travel, or reservations. Mr. BeLer noted that the county already had two master accounts, one under the County Administrator (Limit of \$5, 000.00) and the Senior Accounting Technician(Limit 10,000.00). It was recommended that the Board approve credit cards for the following people and the amount of approved credit. Mr. BeLer concluded that under no condition would the staff be approved for cash withdrawal.

Recreation Director Limit \$3,000.00

Information Director Limit \$3,000.00

Board Secretary Limit \$2,000.00

### **MOTION:**

Supervisor Mayberry moved to approve the obtaining and use of credit Cards by the following county employees at the given credit limits with the understanding that there will be no approval for cash withdrawal: Recreation Director, \$3,000.00, Information Director, \$3,000.00, and Board Secretary \$2,000.00.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Robert Good, Gerald Cubbage, Allen Cubbage, and Nora Belle Comer.

NAYS: None

**Sheriff Vehicles:**

Sheriff Presgraves addressed the Board thanking them for giving him the ability to purchase new vehicles, and update the currently owned vehicles. Sheriff Presgraves also noted that he had been approached by members of the Shenandoah and Stanley Fire and Rescue asking that they be considered in a donation of the older fleet should they be discontinued from the Sheriff's fleet. The School Board office has also indicated that they could make good use out of a vehicle if an extra one becomes available.

**MOTION:**

Supervisor Comer moved to approve the Sheriff's vehicle assignment.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Elaine Mayberry, Allen Cubbage,

Gerald Cubbage, and Nora Belle Comer.

NAYS: None.

**Approval of minutes:**

**MOTION:**

Supervisor Good moved to approve the minutes of July 25, 2001, August 15, 2001, August 28, 2001, and September 21, 2001 as amended.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Allen Cubbage, Gerald Cubbage, Nora Belle Comer, Robert Good.

NAYS: None

## Warrant List:

Supervisor Comer questioned check number 13268, with Geraldine Cubbage informing her that this was for the purchase of a voting machine.

Supervisor Mayberry directed staff to compile a list of remaining invoices for Olver to bring back to the board.

## MOTION:

Supervisor Mayberry moved to approve accounts payable checks ranging In number from 132767 through 133005, totaling \$499,560.76, payroll Checks in number from 205706 through 205840, totaling \$190,433.46 And Payroll Electronic Transfer (F.I.C.A., Medicare, and Federal Withholding ), totaling &71,346.20, for a grand total of \$761,340.42.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Allen Cubbage, Gerald Cubbage, Robert Good, and Nora Belle Comer.

NAYS: None

## MOTION:

Supervisor Good moved to approve accounts payable check # 132910, payable to Dr. Mayberry, in the amount of \$480.00.

Supervisor Comer seconded. The motion was carried by a vote of 4-1.

AYES: Nora Belle Comer, Allen Cubbage, Gerald Cubbage, and Robert Good.

NAYS: None

ABSTAIN: Elaine Mayberry.

## MOTION:

Supervisor Mayberry moved to remove the Warrant List from the Consent agenda, due to duplication on the agenda.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Gerald Cubbage, Allen Cubbage, Nora Belle Comer, and Elaine Mayberry.

NAYS: None.

**Consent Agenda:**

*Approval of Warrant List, Approval of Financial Reports ,Planning consultants contracts,*

*United Way -approval payroll deduction, Surplus Property, 2001-2002 Locality agreement(State Health Department) and Community Service Board (Performance contract),and Proposed Allegheny easement.*

**MOTION:**

Supervisor Comer moved to approve the consent agenda.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Gerald Cubbage, Allen Cubbage,

Nora Belle Comer, and Elaine Mayberry.

NAYS: None.

Chairman Cubbage asked that the item of proposed Allegheny easement be removed from the consent agenda due to needing additional information.

**MOTION:**

Supervisor Good moved to remove the proposed Allegheny easement from the consent agenda.

Supervisor Mayberry seconded. The motion was carried by vote of 5-0.

AYES: Allen Cubbage, Gerald Cubbage, Robert Good, Nora Belle Comer, and Elaine Mayberry.

NAYS: None.

## **OLD BUSINESS**

### **Gypsy Moth report:**

Mr. Whittle addressed the Board stating that the process is still moving along to try and get someone hired to fill this vacant position. Mr. Whittle also informed the Board that November 16, 2001 is the deadline for submitting surveys and proposal into the State for any funding of spraying. After talking briefly, Mr. Whittle concluded in saying that he had talked to the County Administrator and they were still working together to resolve this issue.

### **Decals-Weekenders use of:**

Mr. Beahm was asked to address the Board concerning weekenders and the need for vehicle decals. Mr. Beahm briefly addressed the possible options that could be put into effect as County Policy for this issue. Upon further discussion, Mr. Beahm was asked to further investigate the options and bring them, along with a draft policy to be presented to the Board.

Supervisor Comer directed staff to design and post signs at each of the compactor site, stating that no large barrels of trash will be accepted at the compactor sites.

### **Redistricting:**

Mr. BeLer addressed the Board stating that Mr. Jim Watkins was available to briefly explain what needed to be finalized as far as the redistricting. It was noted that the Board would need to set a date to advertise for the public hearing on the proposed redistricting plans. The Board will also need to assign a person to draw up descriptions for the boundary lines.

The Board would then need to work with the Registrar in submitting to the Department of Justice.

It was the consensus of the Board to set the date of the public hearing for Redistricting for November 14, 2001, with an alternate date of November 27, 2001.

### **Appointments to Boards and Commissions:**

Mr. BeLer addressed the Board with matters concerning the reappointments to boards and commissions. It was established that there still needed to be a revised list sent out, but that the Board would need to get together and help to update the list prior to Mrs.



Hoke coming on board. It was decided that more information would need to be compiled, and then brought back to the Board at the next meeting.

## **NEW BUSINESS**

### **Holiday - Election Day:**

Mr. BeLer addressed the Board asking that the Board direct the county staff to make plans to provide alternative parking or other actions to provide convenience to voters on Election Day.

Mr. C.R Suddith addressed the Board stating that in his manual, Election Day is a paid holiday, and wanted it noted that his office would not be opened that day.

### **MOTION:**

Supervisor Comer moved to close County Offices for Election Day.

The motion did not receive a second. The motion was denied by a vote of 3-1-1.

AYES: Nora Belle Comer.

NAYS: Allen Cubbage, Robert Good, and Elaine Mayberry.

ABSTAIN: Gerald Cubbage.

### **VACo annual meeting:**

Mr. BeLer noted to the Board that they would have to designate a board member voting credentials, and also an alternate member for the VACo 2001 Annual Meeting.

### **MOTION:**

Supervisor Good moved to approve the Chairman as delegate, and the Vice Chairman as alternate delegate at the VACo meeting.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

AYES: Robert Good, Gerald Cubbage, Allen Cubbage,

Elaine Mayberry, and Nora Belle Comer.

NAYS: None.

**Recess:** 4:20 p.m.

**Reconvene:** 6:30 p.m.

The Chairman of the Board reconvened the meeting of October 9, 2001.

Citizen Comments:

*Lee McWhorter-*

Mr. McWhorter addressed the board stating that he was a concerned citizen from District 3. Mr. McWhorter brought with him a copy of the Amended landfill contract version 19. Mr. McWhorter briefly stated some concerns that he had with the contract.

*Jeff Vaughn-*

Mr. Vaughn addressed that Board stating how discouraged he is with the way our planning is heading in this county. Mr. Vaughn told the Board that he is very patient man, but noted that the Board has been far too focused on the landfill issues, all the while putting other important issues on the back burner.

*Alan Eldridge-*

Mr. Eldridge addressed the members of the board stating that months ago the Board assured the citizens of Page County that a certain series of events would take place before a new contract would be signed. Mr. Eldridge stated that this is what the citizens expect, and anything less is a breach of contract. Mr. Eldridge closed in stating that the Supervisors were elected as supervisors, they were not elected to govern, and they do not have the right to do anything else but supervise.

*Geraldine Cabbage-* (attachment #1- 4-H resolution)

Mrs. Cabbage brought to the Board a resolution from the 4-H program asking that the Board recognize national 4-H week as October 7-13<sup>th</sup>. Mrs. Cabbage continued to read the resolution to the board members.

*Chet Taylor-*

Mr. Taylor advised the Supervisors that on behalf of the six individual concerned citizen groups of Page County, that the pending lawsuits will be processed forward whether or not the proposed landfill contract is signed.

*JoAnn Smeltzer-*

Addressed her comments to Chairman Allen Cabbage, and Supervisor Comer, saying that they publicly stated that there would be a public meeting for the citizens to address issues and question that they may have concerning the 19<sup>th</sup> version of the contract. Ms. Smeltzer told both the Chairman and Supervisor Comer how disappointed she was that they were not living up to their promise.

*Jerry Turner-*

Mr. Turner stated to the Board that one positive thing that has come out of this landfill issue, is that the citizens of Page County have united. Mr. Turner further stated that the citizens have strongly voiced their opinions concerning this proposed contract signing, but that it has still fallen on deaf ears. He concluded in asking why the Board is refusing to listen to the people who put them in office.

*Paul Bell-*

Mr. Bell announced to the Board that he was a businessman from District 1. He noted that the citizens of Page County have come together to let you know that this landfill contract is not what they want. He concluded in saying that time is running out and to please take into consideration what the citizens of Page County are saying.

*Barbara Coulter-*

Mrs. Coulter addressed the Board stating that the Board needed to stop and listen to what the people were saying, and to take notice of what they were saying. She stated that these were people from all different walks of life and everyone cared and were educated with the issue at hand.

*Natalie Zuckerman-*

Mrs. Zuckerman addressed that Board stating that this Board owed it to the citizens of Page County to have a public meeting to explain to the citizens why the Supervisors felt that this proposed landfill contract should be signed.

**Approval of 4-H resolution:**

MOTION:

Supervisor Comer moved to approve the 4-H resolution to recognize the celebrating of National 4-H week as October 7-13.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES: Gerald Cubbage, Allen Cubbage, Robert Good, Nora Belle Comer, and Elaine Mayberry.

NAYS: None

Mr. BeLer spoke of additional new business to the board concerning debt service, the grand jury, and the lease county rental property. Mr. BeLer noted that the grand jury report has been released and is favorable towards the County. Mr. BeLer closed in noting that the issue concerning the rental property needs to be turned over to the County Attorney for removal of the tenants. Mr. BeLer also noted that there still may be some confusion as to where we are concerning the contract for leachate from the Town of Stanley, and that the Board may still need to follow up on this.

**Airport Commission parcels of land:**

Mr. Powell Markowitz addressed the Board concerning a conveyance of three parcels, two of which have been donated, and one that they would offer for purchase. Resolutions are accompanied with these parcels that need to be approved.

MOTION:

Supervisor Comer moved to approve the three resolutions as presented to the Board for land purchase from the following persons, subject to the approval of the County Attorney, Lucille Painter, Gene and Joyce Dofflemyer, and Ramsey and Madoline Shenk.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

Roll Call Vote:

Nora Belle Comer AYE

Elaine Mayberry AYE

Gerald Cubbage AYE

Allen Cubbage AYE

Robert Good AYE

**Public Hearing:** Mr. Timothy F. Griffith- rezoning agriculture to residential.

The Chairman opened the public hearing at 7:20 p.m asking if anyone would like to speak in favor or opposition to the rezoning from agriculture to residential.

Mr. Aleshire, Zoning Administrator read the advertised zoning request.

Mr. Lee McWhorter addressed the Board, stating that he was a concerned citizen from District 3, and would hope that the Board would let this man rezone from agricultural to residential.

With no other persons wishing to speak, the Chairman Closed the public hearing at 7:25 p.m.

**MOTION:**

Supervisor Comer moved to approve Timothy F. Griffith's application for Rezoning from agriculture to residential based on the fact that this property is near the Town of Luray corporate line and town water and sewer are available. Also, the Planning Commission recommended approval unanimously.

Supervisor Mayberry seconded . The motion was carried by a vote of 5-0.

AYES: Robert Good, Allen Cubbage, Nora Belle Comer, Gerald Cubbage, and Elaine Mayberry.

NAYS: None

**Supervisors time:**

*Gerald Cubbage-*

Supervisor Cubbage announced that he had the following motion to bring to the Board.

**MOTION:**

Supervisor Gerald Cabbage moved that because this board has completed negotiations with Tellurian and EWS on the revised disposal facility agreement, there seems no reason why the file material that the board has on the several other options that were discussed should not be released. Therefore, I Gerald M. Cabbage, District 4, Supervisor, hereby move that the government of Page County release all of the file material it has on the several options considered by this board, before it approved the revised landfill contract, by making available all those files tomorrow morning beginning at 10:00 a.m. for examination and copying by the citizens of the county at the conference room in the County Administration Building.

The motion did not receive a second. The motion was denied by a vote of 1-4.

AYES: Gerald Cabbage

NAYS: Allen Cabbage, Elaine Mayberry, Robert Good, and Nora Belle Comer.

The Supervisors noted that the information was not in their possession at this time to release, and that this request would have to go through Mr. Cornwell first.

Staff was directed to get with Mr. Cornwell to see the possibility of arranging this in the morning.

Supervisor Gerald Cabbage noted that the eleven page letter of comments from Steptoe & Johnson had not ever been answered. Further stating that on October 2, 2001, an eleven (11) page letter with comments on the proposed Battle Creek Landfill Agreement – Version #19, was received from Steptoe & Johnson LLP. To my knowledge, this document was not reviewed by the County Landfill Attorney, James Cornwell, prior to the Board adopting the resolution approving of the contract, subject to certain changes being made, on October 4, 2001. This eleven page letter contains significant comments on draft #19 and highlights major concerns with this draft. Because of the significance of these comments Supervisor Cabbage moved:

Motion:

Supervisor Gerald Cabbage, District 4 moved to have Mr. James Cornwell, the County Attorney for landfill matter review and evaluate these comments as soon as possible and report back to the Board with his recommendation as to whether any of these comments should be incorporated in the contract with Tellurian. This motion also requests that an opinion be obtained from Mr. Cornwell by this Board advising the Board, in writing, to either sign or reject the contract, with reasons given for his approval or objection.

The motion did not receive a second. The motion was denied by a vote of 1-4.

AYES: Gerald Cubbage

NAYS: Elaine Mayberry, Nora Belle Comer, Allen Cubbage, and Robert Good.

It was noted that staff be directed to contact Mr. Cornwell and ask him to contact Steptoe & Johnson for any questions they may have, and to also do a background check on EWS.

Supervisor Gerald Cubbage also wanted it noted that during a public meeting held by the Chairman of the Board of Supervisors on October 8, 2001 in Stanley, Virginia, the Chairman indicated that he may or may not sign the contract with Tellurian, incorporated, which the Board approved of through a resolution dated October 4, 2001. This resolution specifically authorized the Chairman of the Board, who abstained from voting, as the person to sign the contract. Since the Chairman has stated that he may or may not sign the contract, Supervisor Gerald Cubbage moved:

MOTION:

Supervisor Gerald M. Cubbage, District 4, moved that the Board reconsider that resolution if the Chairman is not the person who will be signing the contract and authorize the Vice-Chairman as the person who will be signing the contract.

The motion did not receive a second. The motion was denied by a vote of 4-1.

AYES: Gerald Cubbage

NAYS: Allen Cubbage, Elaine Mayberry, Robert Good, and Nora Belle Comer.

**Closed session:** 8:10 p.m.

MOTION:

Supervisor Good moved the Page County Board of Supervisors enter into a closed meeting pursuant to the Provisions of Section 2.1-344.1 of the Code of Virginia, 1950, as amended, for the purpose of discussing legal matters, personnel, and real property.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

AYES: Nora Belle Comer, Elaine Mayberry, Robert Good, Allen Cubbage, and Gerald Cubbage.

NAYS: None

**Exit closed session:** 8:25 p.m.

**MOTION:**

Supervisor Good moved the closed meeting be adjourned and the Page County Board of Supervisors reconvene in open session.

Supervisor Mayberry seconded . The motion was carried by a vote of 5-0.

AYES: Elaine Mayberry, Robert Good, Allen Cubbage, Gerald Cubbage, and Nora Belle Comer.

NAYS: None

**Certification of closed session:**

"To the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.1-344 of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting of October 9, 2001."

There was no action from closed session.

**Recess:**

The Board recessed to Monday October 15, 2001 7:30 p.m. in the General District Courtroom.